# TRANSLATION PATENT COOPERATION TREATY POT

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| Applicant                               | t's or agent's file reference   |  |                          |  |  |
|---|---|--|--------------------------|--|--|
| P8331PCT                                |   | FOR FURTHER AC   | TION                     | See Form PCT/IPEA/416  |  |
| International application No.           |   | International filing date  | (day/month/year)         | Priority date (day/month/year)   |  |
| PCT/DE2004/002427                       |   | 03.11.2004   |                          | 03.11.2003   |  |
| Internation                             | onal Patent Classification (IPC   | ) or national classification and IP                                  | PC                       |  |  |
| E046                                    | G11/48  |  |                          |  |  |
|   |   |  |                          |  |  |
| Applicant                               | t   |  |                          |  |  |
| PERI                                    | I GMBH  |  |                          |  |  |
|   |   |  |                          |  |  |
| 1.                                      |   | al preliminary examination repo<br>ted to the applicant according to |                          | international Preliminary Examining Authority  |  |
| 2.                                      | This REPORT consists of a to  | otal of 5  | sheets, including        | g this cover sheet.  |  |
| 3.                                      | This report is also accompani   | ed by ANNEXES, comprising:   |                          |  |  |
|   | a. (sent to the applic  | cant and to the International Bure                                   | eau) a total of 3        | sheets, as follows:  |  |
|   | 1 4 1   | ining rectifications authorized by                                   | -                        | mended and are the basis for this report and/or le 70.16 and Section 607 of the Administrative |  |
|   | sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond   |  |                          |  |  |
|   | the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.   |  |                          |  |  |
|   | b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))   |  |                          |  |  |
|   |   |  |                          |  |  |
|   | , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see |  |                          |  |  |
|   | Section 802 of the Administrative Instructions).  |  |                          |  |  |
| 4.                                      | This report contains indicatio  | ns relating to the following items                                   | :                        |  |  |
|   | Box No. I Bas   | is of the report   |                          |  |  |
|   | Box No. II Pric   | ority  |                          |  |  |
|   | Box No. III Nor   | n-establishment of opinion with re                                   | egard to novelty, invent | ive step and industrial applicability  |  |
|   | Box No. IV Lac  | k of unity of invention  |                          |  |  |
|   | BOX 110. 1  | soned statement under Article 35 tions and explanations supporting   | • •                      | lty, inventive step or industrial applicability;   |  |
|   | Box No. VI Cer  | tain documents cited   |                          |  |  |
|   | Box No. VII Cer   | tain defects in the international ag                                 | pplication               |  |  |
|   | Box No. VIII Cer  | tain observations on the internation                                 | onal application         |  |  |
| Date of submission of the demand        |   | Date of completion of thi  | is report                |  |  |
|   |   |  |                          |  |  |
| Name and mailing address of the IPEA/EP |   | /EP A  | Authorized officer       |  |  |
|   |   |  |                          |  |  |
|   |   |  |                          |  |  |
| Facsimile No.                           |   | Т  | elephone No.             |  |  |

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International application No.
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| Box | No. I   | I Basis of the report  |                                   |   |  |
|-----|---|--|-----------------------------------|---|--|
| 1.  | <ol> <li>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</li> </ol>   |  |                                   |   |  |
|     | This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:  international search (Rule 12.3 and 23.1(b))   |  |                                   |   |  |
|     |   | publication of the international application (Rule 12.   |                                   |   |  |
| 2.  | international preliminary examination (Rule 55.2 and/or 55.3)  With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):  the international application as originally filed/furnished |  |                                   |   |  |
|     | $\boxtimes$   | the description:   |                                   |   |  |
|     |   | pages1-15  |                                   | as originally filed/furnished                             |  |
|     |   | pages*   | received by this Authority on     |   |  |
|     |   | pages*   | received by this Authority on     |   |  |
|     | $\boxtimes$   | the claims:  |                                   |   |  |
|     |   | nos.   |                                   | as originally filed/furnished                             |  |
|     |   | nos.*  | as amended (togethe               | r with any statement) under Article 19<br>05.08.2005 with |  |
|     |   | nos.* _ 1-6  | received by this Authority on     |   |  |
|     |   | nos.*  | received by this Authority on     | _   |  |
|     | $\boxtimes$   | the drawings:  |                                   |   |  |
|     |   | sheets 1/6-6/6   |                                   | as originally filed/furnished                             |  |
|     |   | sheets*  | received by this Authority on     |   |  |
|     |   | sheets*  | received by this Authority on     |   |  |
|     | Ш   | a sequence listing and/or any related table(s) - see Suppler   | nental Box Relating to Sequence L | isting.   |  |
| 3.  |   | The amendments have resulted in the cancellation of:   |                                   |   |  |
|     |   | the description, pages   |                                   |   |  |
|     |   | the claims, nos.   |                                   |   |  |
|     |   | the drawings, sheets/figs  |                                   |   |  |
|     |   | the sequence listing (specify):  |                                   |   |  |
|     |   | any table(s) related to sequence listing (specify):  |                                   |   |  |
| 4.  |   | This report has been established as if (some of) the amen they have been considered to go beyond the disclosure as f |                                   |   |  |
|     |   | the description, pages   |                                   |   |  |
|     |   | the claims, nos.   |                                   | <u> </u>  |  |
|     |   | the drawings, sheets/figs  |                                   |   |  |
|     | the sequence listing (specify):   |  |                                   |   |  |
|     |   | any table(s) related to sequence listing (specify):  |                                   |   |  |
| *   | If ite  | em 4 applies, some or all of those sheets may be marked "sup   | perseded."                        |   |  |

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| Box |                               |        | rticle 35(2) with regard to novelty, inventive step or industrial applicability;<br>pporting such statement |      |
|-----|-------------------------------|--------|---|------|
| 1.  | Statement                     |        |   |      |
|     | Novelty (N)                   | Claims | 1-6   | YES  |
|     |                               | Claims |   | NO   |
|     | Inventive step (IS)           | Claims | 1-6   | YES  |
|     |                               | Claims |   | NO   |
|     | Industrial applicability (IA) | Claims | 1-6   | YES  |
|     |                               | Claims |   | _ NO |
|     |                               |        |   |      |

- 2. Citations and explanations (Rule 70.7)
  - 1 Reference is made to the following documents:

D1: EP 0 092 694 A

D2: US 4 467 993 A

D3: GB 2 099 902 A.

- Document D1 is considered the prior art closest to the subject matter of claim 1. It discloses (the references between parentheses relate to document D1) a lowering device (see figures 14 and 15) of a support structure 137,
- i. consisting of at least one panel 134, on a first side of which a locking mechanism which can be moved into two positions (see slot 149 and wedge 151) is arranged, and to a second side of which a support structure 137 can be attached (see page 14, lines 14-20),
- ii. which in a first position of the locking mechanism is raised relative to the securely fixed panel 134, and in a second position of the locking mechanism is lowered by gravity relative to the

| ES TRETES ES | NATIONAL DDELIMINADY DEDODE ON DATES TO THE   | international application ivo. |  |  |  |
|--------------|---|--------------------------------|--|--|--|
| INTER        | RNATIONAL PRELIMINARY REPORT ON PATENTABILITY   | PCT/DE2004/002427              |  |  |  |
| Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |                                |  |  |  |
|              | securely fixed panel (see page 14,  | lines 22-31),                  |  |  |  |
|              |   |                                |  |  |  |
| iii.         | wherein the support structure 137 e   | ngages the                     |  |  |  |
|              | locking mechanisms by means of bolt   | s 138 (see                     |  |  |  |
|              | figure 14), and   |                                |  |  |  |
| iv.          | the bolts 138 can be slid relative  | to the panel                   |  |  |  |
|              | 134 from a first position to a seco   | nd position and                |  |  |  |
|              | vice versa (see figure 14).   |                                |  |  |  |
| 3.           | The subject matter of claim 1 there   | fore differs                   |  |  |  |
|              | from the known lowering device in t   | hat                            |  |  |  |
| V.           | the locking mechanism is made of a  | first and a                    |  |  |  |
|              | second detent part,   |                                |  |  |  |
| vi.          | the detent parts at least partly gr   | asp one of the                 |  |  |  |
|              | bolts at its first, free end,   |                                |  |  |  |
| vii.         | wherein the bolts extend through an   | elongated hole                 |  |  |  |
|              | in the panel, which makes it possib   | le to slide the                |  |  |  |
|              | bolts relative to the panel, and  |                                |  |  |  |
| viii.        | the bolts can be fixed to the suppo   | rt structure in                |  |  |  |
|              | the area of their second, free end.   |                                |  |  |  |
|              | Consequently, the subject matter of   | claim 1 is                     |  |  |  |
|              | novel (PCT Article 33(2)).  |                                |  |  |  |
| 4.           | In the case of the lowering device  | known from                     |  |  |  |
|              | document D1, the support structure  | is lowered by                  |  |  |  |
|              | removal of the wedges 151 (see figu   | res 14 and 15,                 |  |  |  |
|              | and page 14, lines $22-31$ ). When the  | structure is                   |  |  |  |
|              | loaded it can be difficult to remov   | e the wedges.                  |  |  |  |
|              |   |                                |  |  |  |

The problem to be solved by the present invention

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

is therefore understood to be that of creating a lowering device of the above kind, which is easy to operate.

A lowering device having the feature of claim 1 is known from document D2 (see D2, figure 6).

However, the features vi.-viii. are not known from or suggested by the available prior art. In particular, these features ensure that the structure can be lowered safely. The solution to this problem, as proposed in claim 1 of the present application, therefore involves an inventive step (PCT Article 33(3)). Claims 2-6 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.